

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application of Intercoastal Utilities, Inc. for amendment of Certificates Nos. 463-W and 399-S in St. Johns County.)	DOCKET NO. 890969-WS
)	ORDER NO. 22220
)	ISSUED: 11-22-89

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER GRANTING AMENDMENT OF CERTIFICATES

BY THE COMMISSION:

Background

On July 10, 1989, Intercoastal Utilities, Inc. (Intercoastal or Utility) filed an application with this Commission for amendment of Certificates Nos. 463-W and 399-S to include additional territory in St. Johns County, pursuant to Section 367.041, Florida Statutes. Docket No. 890871-WS was opened to consider this application.

On July 24, 1989, Intercoastal filed another application for amendment of Certificates 463-W and 399-S to include additional territory contained in the Master Plan filed with its application in Docket No. 890871-WS. Docket No. 890969-WS was opened to consider this application.

Also on July 24, 1989, Intercoastal filed a Motion for Consolidation of Dockets Nos. 890871-WS and 890969-WS, stating that the information submitted with both applications were identical except for the filing fee and notices. On August 23, 1989, this Commission issued Order No. 21778 consolidating the two dockets and directing that the applications be considered in Docket No. 890969-WS. Docket No. 890871-WS was closed by Order No. 21900.

Subsequent to the filing of the applications, St. Johns County took back jurisdiction over the county. Although we no longer have jurisdiction, Section 367.171(5), Florida Statutes, requires that all cases pending before the Commission when a county takes back jurisdiction be completed in accordance with the law in effect on the day the case was filed with the Commission.

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Application

The application is in compliance with Section 367.041, Florida Statutes, and other pertinent statutes and administrative rules concerning an application for an amendment of certificate. In particular, the notarized application contains:

- A. Two checks totaling \$6,300 (\$3,150 for water and \$3,150 for sewer) which, upon calculation, equates to the correct filing fee as prescribed by Section 367.141, Florida Statutes.
- B. Adequate service territory description pursuant to Rule 25-30.035(i), Florida Administrative Code. Said territory to be served is described as being in St. Johns County, and more particularly as described in Attachment A attached to this Order and by reference incorporated herein.
- C. Proof of notice to all interested governmental and regulatory agencies, and all utilities within a four-mile radius of the territory to be served, and proof of advertisement in a newspaper of general circulation in the county, as prescribed by Rule 25-30.030, Florida Administrative Code.
- D. Evidence that the utility owns the land on which the utility's facilities are located as required by Rule 25-30.035(3)(f), Florida Administrative Code.

Also, there have been no objections to the Utility serving this territory, and the time for filing an objection has expired.

Intercoastal has been in operation since 1973. When the Commission received jurisdiction in St. Johns County in 1985-1986, Intercoastal was issued Certificates Nos. 463-W and 399-S. The Utility serves approximately 1,325 water and customers and approximately 1,200 sewer customers. Jax Utilities Management, Inc. provides complete operation and management services for Intercoastal since the Utility has no employees. Intercoastal and the management company are owned by Florida Title Group and five people. Three of the five people are officers of Florida Title Group.

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The Utility has been in operation since 1973 and has demonstrated that it has the ability to provide service to the additional territory. Therefore, we find that it is in the public interest to grant Intercoastal an amendment of its Certificates to include that portion of the territory shown on Attachment A, which are not already in its certificated area.

Rates and Charges

Intercoastal shall charge the customers in the territory added herein the rates and charges currently approved by this Commission for this Utility.

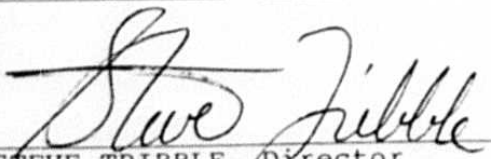
It is, therefore,

ORDERED by the Florida Public Service Commission that the application of Intercoastal Utilities, Inc., 1300 Gulf Life Drive, 6th Floor, Jacksonville, Florida 32207, for amendment of Certificates Nos. 463-W and 399-S to include the territory shown on Attachment A of this Order is hereby granted. It is further

ORDERED that Intercoastal shall charge the customers in the additional territory the rates and charges currently approved for this Utility. It is further

ORDERED that Docket No. 890969-WS is hereby closed.

By ORDER of the Florida Public Service Commission,
this 22nd day of NOVEMBER, 1989.



STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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ATTACHMENT A

DESCRIPTION FOR INTERCOASTAL UTILITIES, INC.

ST. JOHNS COUNTY

SERVICE TERRITORY DESCRIPTION

Township 3 South, Range 29E

In Sections 3, 4, 9, 10, 16, 43, 44, 15, 71, 73, 72, 34, 42, 46, 47, 51, 52.

AND

Township 4 South, Range 29 E

In Sections 2, 3, 10, 11, 45, 71, 14, 46, 72, 23, 24, 25, 26, 9, 42, 16, 43,
41, 48, 15, 22, 54, 4, 6, 39, 40.

For the specific area, please see the attached sheets.

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Intercoastal Utilities
 St. Johns County
 Service Territory Description

PARCEL "A"

THIS BOUNDARY DESCRIPTION CONTAINS LANDS IN THE FOLLOWING SECTIONS: 34, 42, 46, 47, 51, AND 52, TOWNSHIP 3 SOUTH, RANGE 29 EAST AND SECTIONS 2, 3, 10, 11, 45, 71, 14, 46, 72, 23, 24, 25 AND 26 TOWNSHIP 4 SOUTH, RANGE 29 EAST ALL IN ST JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THOSE LANDS BOUNDED ON THE WEST BY THE EASTERLY RIGHT-OF-WAY LINE OF STATE RD. A1A AS NOW ESTABLISHED, BOUNDED ON THE EAST BY THE ATLANTIC OCEAN, BOUNDED ON THE SOUTH BY THE SOUTH LOT LINE OF LOT 7, BLOCK 3, OF PONTE VEDRA OCEAN FRONT ESTATES AS RECORDED IN MAP BOOK 15, PAGES 98 AND 99 OF THE CURRENT RECORDS OF ST JOHNS COUNTY, FLORIDA AND BOUNDED ON THE NORTH BY THE FOLLOWING LINE:

COMMENCE AT THE POINT COMMON TO SECTION 34, 42, 46, 47, 51 AND 52 ; THENCE RUN S. 83 DEG. 30' 30" W. A DIST OF 23.25 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE RD. A1A AS NOW ESTABLISHED FOR A WIDTH OF 200 FEET SAID POINT LYING ON A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID ROAD ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 3919.83 FEET, A CENTRAL ANGLE OF 6 DEG. 29'-44" AN ARC DIST. OF 444.39 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID ROAD A1A RUN N. 00 DEG. 40' 10" E. A DIST. OF 882.60 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7739.49 FEET, A CENTRAL ANGLE OF 0 DEG. 44' 25"; THENCE ALONG THE ARC OF SAID CURVE A DIST. OF 188.06' TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING RUN S. 83 DEG. 30' 30" E. A DIST. OF 1239.26 FEET TO A POINT; THENCE RUN S. 15 DEG. 37' 30" E. A DIST OF 2303.28 FEET TO A POINT; THENCE RUN S. 83 DEG. 30' 30" E. A

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DIST. OF 373.69 FEET TO THE SOUTHWEST CORNER OF SEC. 43 TOWNSHIP 3 SOUTH, RANGE 29 EAST, ST JOHNS COUNTY, FLORIDA; THENCE CONTINUE ALONG THE SOUTHERLY BOUNDARY OF SEC. 43 A DISTANCE OF 1277 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID SEC. 43; THENCE S. 5 DEG. 04' 37" E. ALONG THE SOUTHERLY PROJECTION OF THE EASTERLY BOUNDARY OF SEC. 43 A DIST. OF 91.18 FEET TO A POINT IN THE WESTERLY PROLONGATION OF THE NORTHERLY BOUNDARY OF LOT 8, BLOCK 2-S AS SHOWN ON THE MAP OF PONTE VEDRA AS RECORDED IN MAP BOOK 10, PAGE 1 OF THE CURRENT RECORDS OF ST JOHNS COUNTY, FLORIDA; THENCE RUN N. 76 DEG. 13' 23" E. ALONG SAID WESTERLY PROLONGATION A DIST OF 721.98 FEET TO AN INTERSECTION WITH THE WESTERLY

RIGHT-OF-WAY LINE OF COUNTY ROAD 203 AS NOW ESTABLISHED FOR A WIDTH OF 66 FEET; THENCE RUN S. 13 DEG. 47' 37" E. ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DIST. OF 149.67; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY AND THE PROLONGATION THEREOF S. 12 DEG 25' 19" E. A DIST OF 1465 FEET, MORE OR LESS TO A POINT ON THE WESTERLY PROLONGATION OF THE SOUTHERLY BOUNDARY OF LOT 1 BLOCK 2-S AS SHOWN ON THE MAP OF PONTE VEDRA, AS RECORDED IN MAP BOOK 10, PAGE 1, OF THE CURRENT RECORDS OF ST JOHNS COUNTY, FLORIDA; THENCE EASTERLY ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 1 A DIST. OF 400, FEET MORE OR LESS, TO THE ATLANTIC OCEAN AND THE POINT OF ENDING.

CONTAINING 1846 ACRES MORE OR LESS

PARCEL "B"

THIS BOUNDARY DESCRIPTION CONTAINS LANDS IN THE FOLLOWING SECTIONS: 14, 23, 24, 25, AND 26, TOWNSHIP 4 SOUTH, RANGE 29 EAST, ST JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THOSE LANDS BOUNDED ON THE EAST BY THE WESTERLY RIGHT-OF-WAY LINE OF STATE RD. A1A AS NOW ESTABLISHED, BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF MICKLER RD. AS NOW ESTABLISHED AND BOUNDED ON THE SOUTH AND WEST BY THE FOLLOWING LINE: FOR A POINT OF BEGINNING BEGIN AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE RD. A1A WITH THE WESTERLY PROLONGATION OF THE SOUTHERN BOUNDARY OF LOT 7, BLOCK 3, OF THE MAP OF PONTE VEDRA OCEAN FRONT ESTATES, AS RECORDED IN MAP BOOK 15, PAGES 98 AND 99 OF THE CURRENT RECORDS OF ST JOHNS COUNTY, FLORIDA; THENCE RUN SOUTHWESTERLY ALONG A LINE PERPENDICULAR TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE RD A1A A DISTANCE OF 688 FEET MORE OR LESS TO A POINT; THENCE RUN NORTHWESTERLY A DIST. OF 8573 FEET MORE OR

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LESS TO THE SOUTH EAST CORNER OF SECTION 72; THENCE CONTINUE ALONG THE EASTERLY BOUNDARY OF SEC. 72 TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF MICKLER ROAD AND THE POINT OF ENDING.

CONTAINING 229 ACRES MORE OR LESS

PARCEL "C"

THIS BOUNDARY DESCRIPTION CONTAINS LANDS IN THE FOLLOWING SECTIONS: SEC. 34, TOWNSHIP 3 SOUTH, RANGE 29 EAST AND SECTIONS 3, 4, 9, 10, 42, 16, 44, 43, 15, 71, 73, 72, AND 46 TOWNSHIP 4 SOUTH, RANGE 29 EAST ALL IN ST JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THOSE LANDS BOUNDED ON THE EAST BY THE WESTERLY RIGHT-OF-WAY LINE OF STATE RD. A1A AS NOW ESTABLISHED, BOUNDED ON THE SOUTH BY THE NORTHERLY RIGHT-OF-WAY LINE OF MICKLER ROAD AS NOW ESTABLISHED AND BOUNDED ON THE WEST AND NORTH BY THE EASTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY RD. NO. 210 (ALSO KNOWN AS OLD PALM VALLEY RD.) AS NOW ESTABLISHED.

CONTAINING 1110 ACRES MORE OR LESS.

PARCEL "D"

THIS BOUNDARY DESCRIPTION CONTAINS LANDS IN THE FOLLOWING SECTIONS: 9, 42, 16, 43, 41, 48, 15, 22, AND 54, ALL IN TOWNSHIP 4 SOUTH, RANGE 29 EAST, ST JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THOSE LANDS BOUNDED ON THE EAST AND SOUTH BY THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINE OF COUNTY RD. NO. 210 (ALSO KNOWN AS OLD PALM VALLEY RD.) AS NOW ESTABLISHED, BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF CANAL BLVD. AS NOW ESTABLISHED AND BOUNDED ON THE WEST BY THE FOLLOWING LINE:

FOR A POINT OF BEGINNING START AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 210 (ALSO KNOWN AS OLD PALM VALLEY RD.), AS NOW ESTABLISHED, WITH THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF COUNTY RD. NO. 210 A (ALSO KNOWN AS ROSCOE BLVD.) THENCE RUN NORTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF ROSCOE BLVD. A DIST. OF 2000 FEET MORE OR LESS, TO THE WEST LINE OF SEC. 54; THENCE NORTHERLY ALONG SAID WEST LINE OF

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SEC. 54 A DIST. OF 1400 FEET, MORE OR LESS, TO THE CORNER COMMON TO SECTIONS 49, 51 AND 54; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SEC. 54, A DIST. OF 1360 FEET, MORE OR LESS, TO THE CORNER COMMON TO SECTIONS 22, 49 AND 54; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SEC. 22 A DIST. OF 1335 FEET, MORE OR LESS, TO A CORNER COMMON TO SECTIONS 22, 49 AND 41; THENCE WESTERLY ALONG THE SOUTH LINE OF SEC. 41, A DIST. OF 1500 FEET, MORE OR LESS, TO THE SOUTHEASTERLY CORNER OF PALM VALLEY GARDENS UNIT TWO, AS RECORDED IN MAP BOOK 5, PAGE 65, OF THE PUBLIC RECORDS OF ST JOHNS COUNTY, FLORIDA; THENCE NORTHWESTERLY AND NORTHERLY ALONG THE EASTERLY BOUNDARY OF SAID PALM VALLEY GARDENS UNIT TWO, A DIST. OF 6450 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF TRACT 1, OF SAID PALM VALLEY GARDENS UNIT TWO; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN DEED BOOK 149, PAGE 23, OF SAID PUBLIC RECORDS, A

DIST. OF 776 FEET, MORE OR LESS, TO THE SOUTHEASTERLY CORNER OF THOSE LANDS DESCRIBED AND RECORDED IN DEED BOOK 149, PAGE 23; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LANDS, 2040 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF PALM VALLEY GARDENS UNIT FIVE, AS RECORDED IN MAP BOOK 5, PAGE 72, OF SAID PUBLIC RECORDS; THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF PALM VALLEY GARDENS UNIT FIVE, A DIST. OF 810 FEET, MORE OR LESS, TO THE SOUTHEASTERLY CORNER OF SAID PALM VALLEY GARDENS UNIT FIVE AND THE CORNER COMMON TO SECTIONS 40 AND 42; THENCE CONTINUE NORTHERLY ALONG THE EASTERLY LINE OF SAID PALM VALLEY GARDENS A DIST. OF 3020 FEET MORE OR LESS TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF CANAL BLVD. AND THE POINT OF ENDING.

CONTAINING 858 ACRES MORE OR LESS.

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PARCEL "E"

A PORTION OF SECTIONS 4, 6, 39 AND 40, TOWNSHIP 4 SOUTH, RANGE 29E, ST. JOHNS COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEASTERLY CORNER OF GOVERNMENT LOT 1, SECTION 28; THENCE RUN SOUTHERLY ALONG THE EASTERLY LINE OF SAID SECTION 28, A DISTANCE OF 2638.82 FEET TO A POINT IN THE CENTERLINE OF SUN VALLEY DRIVE, AS PLATTED BY SUN VALLEY, AS RECORDED IN MAP BOOK 6, PAGE 11 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE RUN DUE SOUTH, A DISTANCE OF 30 FEET; THENCE RUN SOUTH 2 DEG 42' 15" EAST, A DISTANCE OF 822.22 FEET; THENCE RUN DUE WEST A DISTANCE OF 300 FEET; THENCE RUN SOUTH 2 DEG 42' 15" EAST, A DISTANCE OF 500 FEET; THENCE RUN DUE EAST ALONG THE SOUTHERLY LINE OF A 60 FOOT RIGHT OF WAY KNOWN AS MOSQUITO CONTROL ROAD AND ITS WESTERLY PROJECTION A DISTANCE OF 1472.67 FEET; THENCE RUN SOUTH 2 DEG 48' 00" EAST ALONG THE WESTERLY RIGHT OF WAY OF A STATE ROAD KNOWN AS PONTE VEDRA BY-PASS ROAD (ESTABLISHED AS A 200 FOOT RIGHT OF WAY) STATE ROAD NO. 1A AND/OR STATE ROAD NO. 203, A DISTANCE OF 983.53 FEET TO AN ANGLE POINT IN SAID RIGHT OF WAY; THENCE CONTINUE SOUTHERLY AND SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY LINE OF PONTE VEDRA BY-PASS ROAD A DISTANCE OF 5300 FEET MORE OR LESS TO THE WESTERLY RIGHT OF WAY OF PALM VALLEY ROAD, COUNTY ROAD NO. 210; THENCE RUN SOUTHWESTERLY ALONG SAID WESTERLY RIGHT OF WAY OF PALM VALLEY ROAD A DISTANCE OF 3000 FEET MORE OR LESS TO A POINT OF BEGINNING; THENCE RUN SOUTH 88 DEG 43' WEST A DISTANCE OF 265.00 FEET MORE OR LESS; THENCE RUN SOUTH 01 DEG 51' 55" EAST A DISTANCE OF 100.00 FEET; THENCE RUN SOUTH 88 DEG 43' WEST A DISTANCE OF 1756 FEET MORE OR LESS TO THE SOUTHEASTERLY LINE OF SAID SECTION 39; THENCE CONTINUE ALONG THE SOUTHEASTERLY LINE OF SECTION 39 A DISTANCE OF 1700 FEET MORE OR LESS TO THE NORTHEAST CORNER OF LOT 39 OF PALM VALLEY GARDENS UNIT SIX; THENCE 77 DEG 54' 49" WEST, ALONG SAID NORTHERLY LINE OF LOT 39, A DISTANCE OF 300 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF LOT 40 OF SAID PALM VALLEY GARDENS UNIT SIX; THENCE NORTH 12 DEG 10' 09" WEST ALONG THE EASTERLY LINE OF SAID PALM VALLEY GARDENS UNIT SIX, A DISTANCE OF 1200.68 FEET MORE OR LESS TO THE NORTHEAST CORNER OF PALM VALLEY GARDENS UNIT SIX; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID PALM VALLEY GARDENS UNIT SIX, A DISTANCE OF 750 FEET MORE OR LESS TO THE EASTERLY RIGHT OF WAY OF WILDERNESS ROAD, THENCE RUN SOUTHEASTERLY ALONG SAID WILDERNESS ROAD A DISTANCE OF 3525 FEET MORE OR LESS TO THE NORTHERLY RIGHT OF WAY OF CANAL BOULEVARD; THENCE RUN EASTERLY ALONG SAID CANAL BOULEVARD TO THE WESTERLY RIGHT OF WAY OF SAID PALM VALLEY ROAD; THENCE NORTHWESTERLY, NORTHERLY, AND NORTHEASTERLY ALONG SAID PALM VALLEY ROAD A DISTANCE OF 4600 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 161 ACRES MORE OR LESS.